

BOARD OF FORESTRY AND FIRE PROTECTION

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**ACTING EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION****SB 198, as introduced, Morrell. State responsibility areas: fire prevention fees.**

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. This bill would repeal these provisions.

03/24/15 Status	March 24 set for first hearing. Failed passage in committee. (Ayes 2. Noes 7. Page 406.) Reconsideration granted.
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AB 417, as amended, Dahle. Forest practices: resource conservation standards.

Existing law establishes minimum acceptable stocking standards and provides that an area covered by a timber harvesting plan is considered acceptably stocked if either one of 2 conditions are met within 5 years after completion of timber operations: (1) that the area contains an average point count of 300 per acre, as provided, or (2) that the average residual basal area is at least 85 square feet per acre, as provided. Existing law, notwithstanding the stocking conditions relating to areas with an average point count of 300 per acre, authorizes the board to adopt alternative stocking standards if those alternative standards reasonably address variables in forest characteristics and achieve suitable resource conservation, as provided. This bill would extend the authorization to adopt alternative stocking standards notwithstanding the stocking conditions relating to the basal area for purposes of authorizing the board to adopt alternative standards.

8/12/2015 Status	Chaptered by Secretary of State.
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SB 520, as introduced, Berryhill. State responsibility areas: fire prevention fees.

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each habitable structure on a parcel that is within a state responsibility area, as defined, and requires that the fire prevention fee be adjusted annually using prescribed methods. This bill would repeal these provisions.

04/07/15 Status	April 14 set for first hearing canceled at the request of author.
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AB 644, as amended, Wood. Land use: general plan: safety element: fire hazard impacts.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, unless it makes certain findings. Under that act, the legislative body of a county is required to make 3 specified findings before approving

a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as defined.

This bill would exempt from those requirements the approval of a tentative map, or a parcel map for which a tentative map was not required, that would subdivide land identified in the open space element of the general plan for the management of resources, as defined. The bill would apply the exemption to the subdivision of land that is consistent with the open space purpose, and would require the land to be subject to a binding and recorded restriction prohibiting the development of a building or structure if the subdivision would result in parcels that are 40 acres or smaller in size. The bill would additionally require the legislative body to make the 3 specified findings before later approving a tentative map, or a parcel map for which a tentative map was not required, for land that was previously exempt from those requirements if the proposed subdivision would allow the development of a building or structure as specified.

09/01/15 Status	Passed and Enrolled.
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AB 429, as amended, Dahle. Public contracts: preferences: forest products.

Existing law generally requires state agencies to comply with competitive bidding procedures in soliciting and evaluating bids for public works projects. Existing law authorizes bidding preferences for certain categories of business owners, ~~including businesses owned by disabled veterans.~~

Existing law also requires the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing. The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection.

This bill would require a state agency, as specified, that contracts for, or acquires, lumber or other solid wood products, excluding paper and other types of secondary manufactured goods, to give preference, if price, fitness, and quality are equal, to lumber and other solid wood products that are harvested ~~pursuant to in compliance with~~ the Z'berg-Nejedly Forest Practice Act of ~~1973 or verified under a Compliance Offset Protocol for U.S. Forest Projects adopted by the State Air Resources Board or any other offset protocol linked by the board, as specified, to implement the California Global Warming Solutions Act of 2006.~~ *1973, rules governing federal timber sales, or a forest certification program identified by the Director of the Department of Forestry and Fire Protection, as prescribed. The bill would authorize the Director of the Department of Forestry and Fire Protection to identify, after consideration at a public hearing, a forest certification program or programs that may be used for the purpose of purchasing preferences for lumber and solid wood products. The bill would require the Director of the Department of Forestry and Fire Protection to notify the Department of General Services of this identification in writing.*

09/03/15 Status	Passed. To Engrossing and Enrolling.
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AB 301, as amended, Bigelow. State responsibility areas: fire prevention fees.

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged annually on each habitable structure on a parcel that is within a state responsibility area. This bill would permit the owner of a property with one or more habitable structures subject to the fire prevention fee to, when selling the property, negotiate as one of the terms of the sale the apportionment between the parties of liability for payment of the fee. This bill would require the Department of Forestry and Fire Protection to notify an owner subject to a fire prevention fee that the owner may, when selling the habitable structure or structures, negotiate the apportionment of liability for payment of the fee between the parties as one of the terms of the sale.

07/15/15 Status	Chaptered by Secretary of State - Chapter 104, Statutes of 2015.
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[AB 1345, as introduced, Dahle. California Global Warming Solutions Act of 2006: wildfires.](#)

Existing law requires the Department of Forestry and Fire Protection to implement various fire prevention programs in the state and to provide fire suppression service in the event of wildfires in forest resources and timberlands. The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.

This bill would require the state board, in consultation with the department, no later than January 1, 2017, to estimate the annual greenhouse gas emissions associated with wildfires in California between the years 1990 and 2015, inclusive. The bill would require the state board to develop, no later than January 1, 2017, an emissions baseline for wildfires by calculating the average of the annual greenhouse gas emissions associated with wildfires between the years 1990 and 2015, inclusive. The bill would require the state board and the department to annually approximate, no later than July 1, 2017, and every year thereafter, the greenhouse gas emissions associated with wildfires during the prior calendar year.

This bill, beginning with the 2016–17 fiscal year, would continuously appropriate \$100,000,000 to the department from the Greenhouse Gas Reduction Fund for specified activities that have the purpose of reducing greenhouse gas emissions by preventing the incidence of and reducing the intensity of catastrophic wildfires.

This bill would require the department, no later than July 1, 2017, after one or more specified public workshops, to develop and begin implementation of strategies to reduce by 2035 the preceding 5-year average of greenhouse gas emissions associated with wildfires by 20 percent below the greenhouse gas emissions baseline described above.

04/22/15 Status	In committee: Set, first hearing. Hearing canceled at the request of author.
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[AB 203, as amended, Obernolte. State responsibility areas: fire prevention fees.](#)

Existing law requires that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, collected annually by the State Board of Equalization, in accordance with specified procedures, and specifies that the annual fee shall be due and payable 30 days from the date of assessment by the state board. Existing law authorizes a petition for redetermination of the fee to be filed within 30 days after service of a notice of determination, as specified.

This bill would extend the time when the fire prevention fee is due and payable from 30 to 60 days from the date of assessment by the State Board of Equalization and would authorize the petition for redetermination to be filed within 60 days after service of the notice of determination, as specified.

07/13/15 Status	Ordered to inactive file at the request of Assembly Member Obernolte.
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SB 250, as introduced, Gaines. State responsibility areas: fire prevention fees.

Same as AB 203

05/28/15 Status	May 28 hearing: Held in committee and under submission.
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AB 243, as amended, Wood. Medical marijuana cultivation.

~~Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law makes it a crime to plant, cultivate, harvest, dry, or process marijuana, except as otherwise authorized by law, such as the medical marijuana program.~~

~~This bill would require indoor and outdoor medical marijuana cultivation to be conducted in accordance with state and local laws and best practices related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. This bill would require state agencies (note: this includes the Board of Forestry and Fire Protection) to address environmental impacts of medical marijuana cultivation and coordinate with cities and counties and their law enforcement agencies in enforcement efforts.~~

~~The bill would state the intent of the Legislature that the multiagency task force, the Department of Fish and Wildlife and State Water Resources Control Board pilot project to address the Environmental Impacts of Cannabis Cultivation, continue their enforcement efforts on a statewide level and permanent status.~~

~~This bill would impose a tax on marijuana flowers, leaves, and immature plants and require the Board of Equalization to adopt a system for reporting the movement of cannabis and cannabis products.~~

This bill would require the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill would also require various state agencies to take specified actions to mitigate the impact that marijuana cultivation has on the environment. By requiring cities, counties, and their local law enforcement agencies to coordinate with state agencies to enforce laws addressing the environmental impacts of medical marijuana cultivation, and by including medical marijuana within the Sherman Act, the bill would impose a state-mandated local program.

This bill would require a state licensing authority to charge each licensee under the act a licensure and renewal fee, as applicable, and would further require the deposit of those collected fees into an account specific to that licensing authority in the Medical Marijuana Regulation and Safety Act Fund, which this bill would establish. This bill would impose certain fines and civil penalties for specified violations of the Medical Marijuana Regulation and Safety Act, and would require moneys collected as a result of these fines and civil penalties to be deposited

into the Medical Cannabis Fines and Penalties Account, which this bill would establish within the fund. Moneys in the fund and each account of the fund would be available upon appropriation of the Legislature.

09/11/15 Status	Passed. In engrossing and enrolling.
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AB 1202, as amended, Mayes. Fire prevention fee: fee reduction.

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee to be charged on each habitable structure, as defined, on a parcel that is within a state responsibility area.

This bill would require the board to reduce the amount of the fee to be charged on a habitable structure by an amount equal to the amount paid by the owner of the structure to a local fire district for fire prevention services during the year for which the fee is due, if the owner of the structure provides the board with written documentation of the amount paid to the local fire district for those services. The bill would require the board to adopt guidelines to clarify the type of written documentation the owner of a structure is required to provide to the board to receive a fee reduction pursuant to those provisions.

05/28/15 Status	In committee: Held under submission.
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SB 246, as amended, Wieckowski. Climate Action Team.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act requires all state agencies to consider and implement strategies to reduce their greenhouse gas emissions. An executive order establishes a climate action team consisting of specified ex officio members and requires the team to make a specified biannual report to the Legislature and Governor.

This bill would establish the *Integrated* Climate Adaptation and Resiliency Program to be administered by the Office of Planning and Research to coordinate ~~state, regional, and local agency~~ *regional and local* efforts *with state climate adaptation strategies* to adapt to the impacts of climate change, as specified. *The bill also would require, within one year of an update to the Safeguarding California Plan, the Office of Emergency Services, in coordination with the Natural Resources Agency, the Office of Planning and Research, and relevant public and private entities, to review and update, as necessary, the Adaptation Planning Guide, as specified. The bill would establish an advisory council, as specified, to support the goals of the Office of Planning and Research as identified by the bill. The bill would require the Office of Planning and Research to establish a clearinghouse for climate adaptation information, as specified.*

09/11/15 Status	Passed - Enrolled
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SB 165, as amended, Monning. Production or cultivation of a controlled substance: civil penalties.

Existing law imposes various civil penalties for violations of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance. Existing law requires all civil penalties collected to be apportioned as provided, including 30% of the funds to be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in these provisions.

This bill would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance. (note: specifies public and TPZ lands).

08/07/15 Status	Chaptered by the Secretary of State.
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[AB 1398, as introduced, Wilk. Environmental quality: the Sustainable Environmental Protection Act.](#)

This bill would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. In a judicial action or proceeding filed challenging an action taken by a lead agency on the ground of noncompliance with CEQA, the bill would prohibit a cause of action that (1) alleges noncompliance with CEQA based on any topical area or criteria for which compliance obligations are identified or (2) challenges the environmental document based on noncompliance with CEQA if: (A) the environmental document discloses compliance with applicable environmental law, (B) the project conforms with the use designation, density, or building intensity in an applicable plan, as defined, and (C) the project approval incorporates applicable mitigation requirements into the environmental document. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program.

06/08/15 Status	From committee: Without further action pursuant to Joint Rule 62(a).
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[SB 379, as amended, Jackson. Land use: general plan: safety element.](#)

This bill would, upon the next revision of the housing element on or after January 1, 2017, *or, if the local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022*, require the safety element to be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to that city or county. The bill would require the update to include a set of goals, policies, and objectives based on a vulnerability assessment identifying the risks that climate change poses to the local jurisdiction and specified information from federal, state, regional, and local agencies. By imposing new duties on cities and counties, the bill would impose a state-mandated local program.

09/03/15 Status	Passed – Enrolled.
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[AB 266, as amended, Cooley. Medical marijuana.](#)

~~This bill would enact the Medical Cannabis Regulation and Control Act and would establish within the office of the Governor, the Governor's Office of Medical Cannabis Regulation to coordinate and provide oversight of the licensing and regulation of various commercial cannabis activities, as defined. The bill~~

~~would establish the Division of Medical Cannabis Regulation within the State Board of Equalization, for the licensure and regulation of medical cannabis dispensaries and transporters. The bill would establish the Division of Medical Cannabis Manufacturing and Testing within the State Department of Public Health for the licensing and regulation of medical cannabis manufacturers and certified testing laboratories. The bill would also require the Division of Medical Cannabis Manufacturing and Testing to set specified standards for edible cannabis products. The bill would also establish the Division of Medical Cannabis Cultivation within the Department of Food and Agriculture for the licensure and regulation of medical cannabis cultivators. The bill would set forth the duties of these various divisions. The bill would require the office, by April 1, 2016, to convene a task force to advise the office on the development of standards for the regulation of medical cannabis.~~

~~This bill would provide for the enforcement of the provisions of the act and of local ordinances relating to medical cannabis by the state and local governments and would require the office, by January 1, 2017, to develop an enforcement framework that clarifies the enforcement roles of the state and local governments.~~

~~This bill would authorize a county to impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products. The bill would authorize the tax to be imposed for either general or specific governmental purposes. The bill would require a tax imposed pursuant to this authority to be subject to any applicable voter approval requirement.~~

~~This bill would require the Department of Motor Vehicles, in consultation with the Department of the California Highway Patrol, to prepare and submit a report that identifies best practices for the identification, detection, and apprehension of drivers operating a vehicle unsafely due to medical cannabis impairment.~~

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 5, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by boards or bureaus within the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill, among other things, would enact the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and would establish within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill would require the director to administer and enforce the provisions of the act. This bill would also require the Board of Equalization, in consultation with the Department of Food and Agriculture, to adopt a system for reporting the movement of commercial cannabis and cannabis products.

This bill would impose certain fines and civil penalties for specified violations of the act, and would require moneys collected as a result of these fines and civil penalties to be deposited into the Medical Cannabis Fines and Penalties Account.

(2) Under existing law, certain persons with identification cards, who associate within the state in order collectively or cooperatively to cultivate marijuana for medical purposes, are not solely on the basis of that fact subject to specified state criminal sanctions.

This bill would repeal these provisions upon the issuance of licenses by licensing authorities pursuant to the Medical Marijuana Regulation and Safety Act, as specified, and would instead provide that actions of licensees

with the relevant local permits, in accordance with the act and applicable local ordinances, are not offenses subject to arrest, prosecution, or other sanction under state law.

09/11/15 Status	Passed – to Engrossing and Enrolling
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AB 85, as amended, Wilk. Open meetings.

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

09/09/15 Status	Passed – Enrolled.
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AB 435, as amended, Chang. California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops

This bill would require that each department, board, and commission of the Natural Resources Agency, *except as specified*, and each department, board, and office of the California Environmental Protection Agency Web cast all public meetings and workshops, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those attending the meeting or workshop. The bill would require the agencies to archive the recording of a Web cast for subsequent reasonable viewing by interested members of the public.

08/27/15 Status	Held on submission in Senate Appropriations.
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AB 590, as amended, Dahle. Greenhouse Gas Reduction Fund.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund.

This bill would provide that moneys in the Greenhouse Gas Reduction Fund, upon appropriation, may be made available for expenditure by the State Energy Resources Conservation and Development Commission for the purposes of maintaining the current level of biomass power generation *or geothermal energy generation* in the state and revitalizing currently idle facilities in strategically located regions. The bill would establish requirements for an applicant to receive available funding for a facility’s eligible electrical generation.

08/27/15 Status	Held on submission in Senate Appropriations.
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